

**Washington County Land Use Authority Work Meeting**  
**January 26, 2010**  
**(Recording available)**

The Washington County Land Use Authority Meeting was held on Tuesday, January 26, 2010 at the Washington County Administration Building, 197 E. Tabernacle, St. George, Utah. The meeting was convened at 1:30 p.m. by Chairman Mike Stucki. Commissioners present: Dave Everett, Kim Ford, Julie Cropper, Doug Wilson, Joann Balen, and Rick Jones. Also present: Deon Goheen, Planning & Zoning Administrator; Rachelle Ehlert, Deputy Attorney; Kurt Gardner, Building Official; John Willie, Senior Planner; Todd Edwards, County Engineer; and Darby Klungervik, Planning Secretary.

Excused: Debora Christopher

Audience attendance: N/A

Chairman Stucki led the audience in the Pledge of Allegiance and explained meeting protocol.

**Item # 1. STAFF COMMENTS** Review staff comments for each item listed below. Staff initiated

**Item # 2. DISCUSSION ITEM/ORDINANCE AMENDMENT** Review Land Use Ordinance amendment regarding Title 10 Chapter 8, Article D. Residential Estate Zone, 3: Conditional Uses, Section 10-8D-3.B.c. County initiated.

The Planner explained that this ordinance amendment is a “housekeeping” effort to take care of the differences between the ordinance and State Code. Staff felt this change could be reviewed by going directly to the advertising process for a hearing on the 9<sup>th</sup> of February.

After reading the change, the commission said there was no problem changing the current ten (10) day requirement to fourteen (14) days and a public hearing will be held.

**Item # 3. DISCUSSION ITEM** Review and recommend implementation of pending Land Use Ordinance adoption Wind Energy Systems and Facilities to establish minimum requirements and regulations on such systems. County initiated.

The Planner said at the work meeting in November the commissioners reviewed photos and information from a field trip to Beaver County; noting that Beaver County reviews requests on an individual basis conditionally. The commission may recall that the Washington County Commission has a concern that we will have a proliferation of individual units for personal use. Gerald Sieren, Washington County resident, recently applied to install a small wind turbine in New Harmony, which was approved, and he volunteered to serve as an unpaid consultant to help with the ordinance. Mr. Sieren believes Wind Energy Systems do need to be regulated. The commission has looked at Iron County’s ordinance, with some corrections, and has been provided with updated copies of their most recent changes. Iron County will be voting on their amendments

today, Tuesday, January 26, 2010. Washington County will be adopting a wind energy ordinance, whereas, there is more interest and tax incentives in developing “green energy resources”, as the county population grows and develops. The chairman made a statement at the October 9, 2009 meeting announcing the intent to implement the ordinance, which allows for a six (6) month moratorium on Wind Energy and we are getting close to our 4<sup>th</sup> month of review.

The commission began with a discussion on Iron County’s Ordinance.

Kurt Gardner, Building Official, pointed out that although Iron County’s Ordinance covers set back requirements from the property line, it does not have set back requirements from buildings on the property. He said the commission may want to address that.

Chairman Mike Stucki asked for input on lot size and height; asking if the commission wanted to restrict it from any particular zone.

Commissioner Balen asked if it had to be a certain height in order to be effective because she thought the commission should take that into consideration when determining height restrictions.

The Planner reported Iron County suggested 35’ for a vertical tower and up to 80’ for the horizontal towers.

The commission said it would be a good idea to restrict the height to 35’ and anything over 35’ would require a conditional use permit.

Mike Stucki expressed interest in having a check list of requirements created for the conditional use permit.

Kurt Gardner, Building Official, stated the fall zone will affect the height. He does not think it is necessary to have set back requirements from buildings on their own property. He also stated that windmills do require a building permit, although the building code does not cover windmills, they need to be inspected for electrical safety.

The commission compared monopoles to lattice type towers. They discussed the possibility of limiting the style to monopoles only. They weighed the pros and cons and decided it would be best to allow both types.

In reviewing Iron County’s noise limitations, “no small wind energy system or combination of small wind energy systems shall produce noise that exceeds 50 dBA, as measured at the property line of any neighboring residentially-zoned lot not owned by the small wind energy system developer”, the commission wanted more information on how loud 50 dBA is.

Doug Wilson, County Commissioner, reported 30 decibels is equal to a whisper in a library and 60-70 decibels is equal to a normal conversation.

Per the county engineer’s recommendations, the commission agreed the noise level should always be measured at the property line and 50 dBA was an agreeable level.

The commission then moved on to discuss “shadow flicker” as defined in the Iron County Code Chapter 17.34 as, “alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on an object, such as a window.” The commission decided that this could be a problem, but it could not be controlled and the distance between the windmill and any neighboring homes would minimize the effects of the flicker.

The commission said they like Iron County’s definitions and would recommend adopting them as-is and incorporating as much of the sixteen (16) page document as possible.

The commission determined it did not want to allow any permanent lighting or signage on the tower.

The commission disagreed with the restriction in the Iron County code that states, “No commercial wind energy system tower shall be located within one-half (1/2) mile of a park, church, hospital, school, playground, or residentially-zoned lot not owned or leased by the wind energy developer.”

The commission also disagreed with allowing a noise waiver in a residential area.

It was decided that visual appearance should be taken into consideration without becoming too restrictive.

In reviewing Gerald Sieren’s Proposed Regulations Governing the Use of Small Wind Turbines in Washington County, the commission recommended the following:

- Delete #6, which pertains to fencing requirements
- Delete #7 in order to allow lattice towers as well, leaving it to the owner’s discretion
- Keep #8, which states, “Small wind turbines shall not be placed on structures, including homes and outbuildings”
- Keep #9, which states, “Small wind turbines must have some positive means of shutdown...”
- Keep #10, which states, “Small wind turbines must have some means of controlling the rotational speed of the turbine rotor in high winds...”
- Keep #11, which states, “ Small wind turbines that are operating erratically shall be shut down and/or lowered to the ground...”, it also give examples of erratic operation
- Add a #17 to address the issue of wind turbines not in operation for a designated period of time
- Delete #12, “Small wind turbines used for battery charging shall have a means of either diverting the turbine electrical output when the batteries are fully charged, or must be capable of automatic shutdown when the batteries are fully charged”
- Delete #'s 13, 14 & 15, which are all addressed by the building code
- Add a requirement to meet all applicable codes adopted by the county
- Incorporate the new definitions with the original proposal

The commission decided not to prohibit commercial wind energy systems from areas of possible annexation and decided to table commercial windmills until they have more time to review.

**Item # 4. COUNTY COMMISSION ACTION REVIEW** Review of action taken by the County Commission on Planning Items. County initiated.

The Planner reviewed the action taken on Planning Items by the Washington County Commission on January 19, 2010, beginning at 4:00 p.m.: (a) Conditional Use extension to install the UNEV petroleum pipeline using the IPP/Kern River corridor for a fuel transmission line running through Washington County northeasterly to southwesterly... Trevor Townsend, applicant/agent; (b) Conditional Use extension for a staging area for pipe storage yard to be used on the UNEV Pipeline, containing 13.300 acres, the Fenton Bowler property in Veyo.. Trevor Townsend, agent/UNEV Pipeline LLC, applicant; (c) Conditional Use extension to operate a gravel crusher within the OST-20 Zone, Section 16, T42S, R14W, SLB&M, generally located 1/4 mile east of the Washington County Landfill... Dee Atkins, landowner/Western Rock Products, applicant; and (d) Conditional Use Permit for installation and approval of the pipeline distribution for the Washington County Water Conservancy District in the Wet Sandy and Toquerville area... Washington County Water Conservancy District/Ronald Thompson, applicant and Alpha Engineering, agent.

The planner reported that these items were approved by the County Commission, based on recommendation by the Planning Commission.

**Item # 5. COMMISSION & STAFF REPORTS:** General reporting on various topics. County initiated.

**Chairman Stucki said he would accept a motion to adjourn, with Commissioner Balen saying, “so moved” and Commissioner Ford seconded by repeating, “so moved”. All six (6) commissioners voted aye.**

There being no further business at 2:50 p.m., Chairman Stucki adjourned the meeting.

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Darby Klungervik, Planning Secretary

